

The JS 44 civil cover sheet and information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This cover sheet is approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Annie E. Arrington

(b) County of Residence of First Listed Plaintiff Philadelphia, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Rhonda Hill Wilson, Esquire
Law Office of Rhonda Hill Wilson, P.C.
1500 JFK Boulevard, Suite 820, Phila., PA 19102 (215) 972-0400

DEFENDANTS

National Railroad Passenger Corporation

County of Residence of First Listed Defendant Washington, DC
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 1332a

Brief description of cause:
Injury while a passenger on an Amtrak train

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ Excess of \$75,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE 12/22/2015

SIGNATURE OF ATTORNEY OF RECORD

DEC 22 2015

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Address of Plaintiff: 22 West Rittenhouse Street, Philadelphia, PA 19144

15 6750

Address of Defendant: 60 Massachusetts Avenue, NE, Washington, DC 20002

Place of Accident, Incident or Transaction: Train #80 from Rocky Mount, North Carolina to Philadelphia, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases***
(Please specify) Americans With Disability Act

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Rhonda Hill Wilson, Esquire

, counsel of record do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 12/22/15

Attorney-at-Law

34813

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12/22/15

Attorney-at-Law

34813

Attorney I.D.#

CIV. 609 (5/2012)

DEC 22 2015

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Annie E. Arrington

CIVIL ACTION

v.

National Railroad Passenger Corporation

No.

15 6750

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

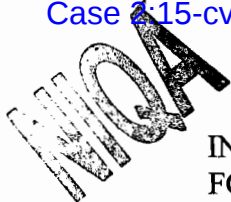
SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

12/22/15- <hr/> Date (215) 972-0400 <hr/> Telephone	Rhonda Hill Wilson, Esquire <hr/> Attorney-at-law (21) 972-6756 <hr/> FAX Number	Plaintiff <hr/> Attorney for rhwilson@philly-attorney.com <hr/> E-Mail Address
--	---	---

(Civ. 660) 10/02

DEC 22 2015



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Annie E. Arrington
22 West Rittenhouse Street
Philadelphia, PA 19144
Plaintiff

v.

National Railroad Passenger Corporation
60 Massachusetts Avenue, NE
Washington, DC 20002
Defendant

CIVIL ACTION

No.

15 6750

CIVIL ACTION COMPLAINT

Plaintiff, Annie E. Arrington comes now and alleges that:

1. Plaintiff Annie E. Arrington, is an adult individual who is now, and at all times mentioned in this complaint, a citizen of the Commonwealth of Pennsylvania, residing at 22 West Rittenhouse Street, Philadelphia, PA 19144.

2. Defendant National Railroad Passenger Corporation (also known as Amtrak), is a corporation duly organized and existing under federal law (49 U.S.C.A. §§ 24301 et seq.), having its principle office at 60 Massachusetts Avenue, NE, Washington, DC 20002, and being engaged in intercity passenger rail service throughout the United States and with an office at the 30th Street Station in Philadelphia, Pennsylvania, United States of America.

3. At all-times mentioned in this complaint; Defendant owned, maintained, and operated a railway line between Philadelphia, Pennsylvania and Washington, D.C. and owned, maintained, and operated a station and tracks in Baltimore, Maryland.

4. At all times mentioned in this complaint, Defendant employed staff including but

not limited to conductors, administrators, sales personnel and they were the Defendants' agents, servants, workmen and employees at all times relevant hereto.

5. On or about February 28, 2014, Plaintiff Annie E. Arrington, was a passenger on Amtrak Train #80 from Rocky Mount, North Carolina headed to Philadelphia, Commonwealth of Pennsylvania.

6. Plaintiff had identified herself to Defendant at the time of purchase of her ticket and at all times relevant hereto as a mobility impaired adult and Plaintiff had purchased an accessible coach seat prior to the time of her travel.

7. Defendant Amtrak, through its agents, servants, and employees, was negligent in each and all of the following acts, which were performed within the course and scope of their employment, each of which was the proximate cause of the injuries and damages suffered by Plaintiff:

- a. In causing the railcar to be moved and jerked without giving a warning of any kind to the Plaintiff and other passengers on the train at the time of her injury;
- b. In causing the Plaintiff to move from a secure seat from one coach to another without cause in light of her disability and without Amtrak assistance when the Defendant knew or should have know that the Plaintiff required assistance and was mobility limited prior to and at the time of her fall;
- c. In failing to keep a proper lookout for Plaintiff at the above-stated time and place;
- d. Failure to operate the Amtrak train with due care with regard to the Plaintiff at the time and place aforesaid under the circumstances;
- e. Failure to train, supervise and enforce its employees, workmen, servants

and agents on passengers with disabilities pursuant to the Americans With Disabilities Act and to further provide passenger safety pursuant to 49 U.S.C. §12162 or 49 C.F.R. Part 37 to the Plaintiff;

- f. Failure to provide through its employees, workmen, servants and agents assistance to the Plaintiff when it knew or should have know of Plaintiff's disability at the time of her fall on the train;
- g. Failure to use any special indicator that Plaintiff needed assistance while onboard the train prior to her fall.

8. As a direct and proximate result of the negligence of Defendant's agents, servants, and employees, Plaintiff was thrown about in the railcar and struck her body when she fell between two seats and was caused to be injured. Plaintiff suffered much pain and agony, since the occurrence of the accident, and Plaintiff continues to suffer pain and will continue to do so in the future.

9. As a direct and proximate result of the negligence of Defendant's agents, servants, and employees, Plaintiff has been injured and more specifically has suffered cervical spine sprain/strain; cervical intervetebral disc disorder; brachial neuritis/radiculitis; right shoulder sprain/strain and disorder of the bursa and tendson of the right shoulder.

10. In addition, Plaintiff further exacerbated, aggravated and accelerated injuries of her spine including reversal of normal cervical lordosis without significant muscle spasm; multilevel spondylolisthesis; at C2-C3 central herniated disc is in contact with the cord; at C4-C5 broad based herniated disc producing mild mass effect on the cord; moderate to severe stenosis and mild to moderate central canal stenosis; uncovertebral joint hypertrophy is present; at C5-C6 broad based herniated disc; at C6-C7 broad based herniated disc; thre is moderate bilateral

foraminal stenosis; uncovertebral joint hypertrophy is present and at C7-T1 a disc bulge.

As a further direct and proximate result of the accident, Plaintiff was forced to incur expenses for medical and hospital treatment and will continue be in need of medical and hospital treatment in the future. Further, Plaintiff is now not able to walk on her own without assistance and is wheelchair bound.

11. Defendant owed Plaintiff the highest duty of care as a passenger on their common carrier.

WHEREFORE, Plaintiff request judgment against Defendant in excess of \$150,000.00, costs of suit; and interest or whatever recovery the court deems just.



Rhonda Hill Wilson, Esquire
Attorney for Plaintiff, Annie E. Arrington
1500 JFK Boulevard, Suite 820
Philadelphia, PA 19102
(215) 972-0400
rhwilson@philly-attorney.com

Dated: December 22, 2015